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TN

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/434,124 11/05/99 HOSHINO

E 0649-0706P-S

EXAMINER

IM22/0824

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ART UNIT

PAPER NUMBER

1772

DATE MAILED:

08/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/434,124

Applicant(s)

HOSHINO ET AL.

Examiner

Elena Tsoy

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Specification

1. The disclosure is objected to because of the following informalities: "adhesive member 3" (See page 3, line 19) should be changed to -- adhesive member 14 --.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 3 recites the limitation "said molding" in line 2. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention: a phrase "a plurality of adhesive bands arranged in parallel in a direction of said isolating layer" renders the claim indefinite since the phrase can not have any possible meaning.

For examining purposes the phrase is interpreted as -- a plurality of adhesive bands arranged in parallel in the width direction of said isolating layer --, as disclosed in the specification on page 16, lines 10-11,.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1- 5, 7, 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10179498 in view of Rolf et al (US 5,536,263).

JP 10179498 discloses an adhesive cleaning tape (sheet) comprising a non liquid-permeable supporting sheet 12, 22, 32 (See Abstract; Figs. 1, 3, 4, 7; column 15, lines 25-26);

a liquid-permeable adhesive member 11, 31 comprising an adhesive such as a water-soluble sodium styrenesulfonate/methacrylic acid copolymer (See Figs. 1-3, 7; page 10, example No. 7);

an active ingredient member 11 comprising a mold removing ingredient in the form of a plurality of particles (See Figs. 3, 7) dispersed in said liquid-permeable adhesive member (See Figs. 1-3; page 10, example No. 7); and

optionally an isolating layer 33 and an adhesive member 33a provided on perimeter portions of the isolating layer 33 (a plurality of adhesive bands arranged in parallel in the width direction of said isolating layer 33) (See Fig. 7), said isolating layer 33 separating said active ingredient member 31 and said adhesive member 33a (See Fig. 7; column 13, lines 46-50); said cleaning sheet being to be stuck to an object of cleaning.

JP 10179498 fails to teach that the supporting sheet is liquid-permeable.

However, Rolf teaches that a liquid-permeable adhesive sheet comprising a stored active ingredient and a liquid-permeable porous adhesive layer such as hydrophilic emulsion polymer adhesive (See Fig. 5; column 4, lines 23-34; column 5, lines 4-6, 18-20) can be stored, and used for sticking to an object for providing the object with sustained release of the active ingredient over an extended period of time upon activation with moisture. See column 4, lines 44-46.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed an adhesive sheet of JP 10179498 to have a liquid-permeable supporting sheet and a liquid-permeable porous adhesive layer such as hydrophilic emulsion polymer adhesive in order to provide the sheet with storage stability, and to use the sheet upon activation with moisture for sustained release of the active ingredient over an extended period of time, as taught by Rolf.

Rolf is analogous art, since it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Rolf is reasonably pertinent to the particular problem with which the applicant was concerned.

7. **Claim 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over combination of JP 10179498 and Rolf et al (US 5,536,263), further in view of Royds et al (US 5,466,465).

Combination of JP 10179498 and Rolf, as been discussed in paragraph 6, fails to teach that each particle of a plurality of particles of an active ingredient member dispersed in an adhesive member is covered by an isolating layer thereby separating the active ingredient member and the adhesive member.

However, Royds teaches that encapsulation of each particle of a plurality of particles of an active ingredient member dispersed in an water retaining matrix allows control of the rate of release of the active ingredient. See Fig. 1; Abstract; column 5, lines 14-25.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have encapsulated each particle of a plurality of particles of an active ingredient member dispersed in an adhesive member of combination of JP 10179498 and Rolf in order to control the release rate of the active ingredient, as taught by Royds.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy whose telephone number is (703) 605-1171. The examiner can normally be reached on 8:30-5:00.

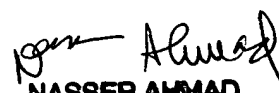
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (703) 308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3599 for regular communications and (703) 872-9310 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Elena Tsoy
Examiner
Art Unit 1772

August 20, 2001


NASSER AHMAD
PRIMARY EXAMINER